

McGregor Range, New Mexico Land Withdrawal Renewal Legislative Environmental Impact Statement



The Military Land Withdrawal Renewal Process



Background for Military Land Withdrawals

Prior to 1958, federal lands were made available to the military departments for bases, training areas, and other purposes through administrative or executive actions, without the need for congressional action. That changed considerably with the enactment in 1958 of Public Law (PL) 85-337, otherwise known as the *Engle Act*. The Act requires that any military withdrawal totaling 5,000 acres or more of public lands be established only by an act of Congress. Public lands are owned by the federal government and administered by the Bureau of Land Management (BLM) under the Department of the Interior (DOI). When these lands are in the “public domain,” they are available for such uses as grazing, timber harvesting, mining, and recreation. When they are withdrawn for a specific purpose, such as military use, they are removed from some or all of the general land laws and may be administered by another agency, such as the Army on McGregor Range.

The *Federal Land Policy and Management Act (FLPMA) of 1976* added additional procedures and requirements for the creation or renewal of military withdrawals. PL 99-606, also known as the *Military Lands Withdrawal Act (MLWA) of 1986*, is a product of the process established by the *Engle Act*, FLPMA, and other applicable laws for congressional decision making about military uses of public lands. All military land withdrawals covered under PL 99-606, including McGregor Range, terminate on November 6, 2001, unless renewed by an Act of Congress.

The *Land Withdrawal Regulations* (43 Code of Federal Regulations [CFR] Part 2300) describe the rules and procedures implementing the Secretary of the Interior’s authority to process land withdrawal applications.

The PL 99-606 requires that a *Legislative Environmental Impact Statement (LEIS)* be prepared for each of the military land withdrawal renewals covered under PL 99-606. The *National Environmental Policy Act (NEPA) of 1969*, describes the process for preparation of environmental impact analysis documents (such as environmental assessments and impact statements). NEPA also contains the basic guidelines for public participation throughout the environmental impact analysis process.

There are many steps in the renewal process

The MLWA specifies when and what information must be submitted as part of the land renewal package. DOI regulations also specify information that must be submitted and studies that must be performed in order for the DOI to process the Army’s renewal application. Along with the LEIS, additional reports on land use, water requirements, mineral resources, economic impact, and a biological assessment will be a part of the application case file.

The steps for renewal, in very basic form, are described below and presented in the following diagram.

- The Secretary of the Army provides a notice of continued need for the land and files a renewal application by November 6, 1998. The

application was submitted to the BLM, during October 1998.

- Within 30 days of receipt of the application, the DOI publishes a notice of the application in the Federal Register.
- The NEPA process is employed well in advance of the Army's filing of the renewal application. The LEIS is prepared to comprehensively address alternative actions being considered to ensure compliance with NEPA, and Council on Environmental Quality regulations implementing NEPA, and other applicable environmental legislation.
- The application package and accompanying reports are submitted to the DOI.
- DOI prepares its case file that includes the Army's application package, plus DOI's findings and recommendations. The director of the BLM reviews the case file.

The case file is then submitted to the Secretary of the Interior .

- The Secretary of the Interior prepares and submits to Congress, the proposed legislation, recommendations, and documentation. Congress reviews the proposed legislation, recommendations, and documentation and issues its decision through legislation.
- The resulting congressional action will be, in effect, the Record of Decision for the LEIS. Congressional action could range from continued Army use of McGregor Range, with continued co-management by the BLM, to a congressional decision not to renew the land and terminate all Army activities on McGregor Range.

Commenting on the Draft LEIS

Comments on the Draft LEIS should be received by February 9, 1999. Please direct comments to Dr. Andy Vliet, Program Manager, McGregor Range Military Land Withdrawal Renewal, U.S. Army Air Defense Artillery Center and Fort Bliss, Attn: ATZC-CSA, P.O. Box 6020, Fort Bliss, Texas 79906.

Withdrawal Authorities and Process for McGregor Range



